

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

|                             |   |                  |
|-----------------------------|---|------------------|
| JUDY JIEN, et al.,          | ) |                  |
|                             | ) |                  |
|                             | ) |                  |
| Plaintiffs,                 | ) |                  |
|                             | ) |                  |
|                             | ) | CIVIL ACTION     |
| v.                          | ) | No. 1:19-CV-2521 |
|                             | ) |                  |
|                             | ) |                  |
| PERDUE FARMS, INC., et al., | ) |                  |
|                             | ) |                  |
| Defendants.                 | ) |                  |
|                             | ) |                  |
|                             | ) |                  |

**DEFENDANT MOUNTAIRE FARMS INC.'S  
MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED CONSOLIDATED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), Defendant Mountaire Farms Inc. ("Mountaire") requests that the Court dismiss Plaintiffs' Second Amended Consolidated Complaint for failure to state a claim upon which relief can be granted.

Defendant Mountaire fully joins the Motion to Dismiss for Lack of Standing pursuant to Federal Rule of Civil Procedure 12(b)(1) filed separately by all Defendants. In addition, the Second Amended Consolidated Complaint should be dismissed as to Mountaire for the independent reasons set forth in this motion and accompanying memorandum in support thereof.

Defendant Mountaire respectfully requests that this Court enter an Order: (i) granting Defendant Mountaire's Motion to Dismiss the Second Amended Consolidated Complaint; and (ii) dismissing Counts I and II of the Second Amended Consolidated Complaint with prejudice.

Dated: December 18, 2020

Respectfully submitted,

MOUNTAIRE FARMS INC.

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